

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Michael T. Morris,

Petitioner, : Case No. 2:20-cv-1803

- vs -

Judge Sarah D. Morrison
Magistrate Judge Kimberly A. Jolson

Warden, Noble Correctional Institution,

:

Respondent.

OPINION AND ORDER

The Magistrate Judge's detailed December 17, 2021 Report and Recommendation (ECF No. 23) recommended that: (1) the Petition be denied and the action be dismissed with prejudice because Petitioner's habeas claims were procedurally defaulted and (2) no certificate of appealability issue as to any of Petitioner's claims of relief. Petitioner timely objects. (ECF No. 26.) "A litigant who objects to a Magistrate Judge's report and recommendation on a dispositive matter is entitled to a *de novo* review by a District Judge of all substantial objections."

Armengau v. Warden, No. 2:19-cv-1146, 2022 U.S. Dist. LEXIS 25652, at *1 (S.D. Ohio Feb. 14, 2022) (Merz, M.J.).

Petitioner argues that his guilty plea was entered under duress such that this is an extraordinary habeas corpus case sufficient to overcome the procedural bar to review. (ECF No. 26.) Upon *de novo* review, the Court **OVERRULES** the objection. (ECF No. 26.) The R&R correctly provides that Petitioner must produce reliable evidence of actual innocence to overcome the procedural bar to review. (ECF No. 23, PageID 328-29.) The Objection does not do so, instead focusing solely on the

validity of his plea agreement. (ECF No. 26.) The Court therefore **ADOPTS** the R&R (ECF No. 23) in full, **DENIES** the Petition, **DISMISSES** this action **WITH PREJUDICE**, and **ORDERS** that no certificate of appealability issue because reasonable jurists would not debate whether Petitioner's claims are procedurally defaulted.

IT IS SO ORDERED.

s/Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE